THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24957 OF 2006

DATED: 1st DECEMBER, 2006.

Between :

Karri Venkata Lakshmi and
6 others. .. Petitioners

And

Aqua Culture Authority, Government
Of India, Ministry of Agriculture
And 4 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24957 OF 2006

ORDER :

The petitioner No.1 herein earlier filed W.P.No.13434 of 2006 seeking a declaration that the action of the Mandal Revenue Officer, Bantumilli in not granting permission to her to get the prawn tanks situated in Chorampudi Village, Bantumilli Mandal of Krishna District repaired as arbitrary and illegal.

The said writ petition was dismissed by this Court by order dated 4-7-2006 holding that it is not for the Mandal Revenue Officer to grant any permission and it is only the Aqua Cultural Authority under the control of Government of India, Ministry of Agriculture who is required to grant the permission either to continue the prawn culture operations or to make improvements to the existing tanks.

It is stated that in terms of the observations made by this Court, the 1st petitioner as well as other petitioners made applications in Form-I to the Assistant Director, Aqua Culture Authority, Ministry of Agriculture seeking permission for conversion of agricultural lands for the purpose of prawn culture operations. It is further stated that they also made applications dated 12-7-2006 requesting permission to deepen their tanks. Alleging that the said representations have not been considered by the 1st respondent so far, this writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not taking any action on their applications made in Form-I on 12-7-2006 as arbitrary and illegal.

A copy of the application dated 12-7-2006 placed before this Court shows that it is not an application seeking permission for conversion of agricultural lands into prawn tanks, but it is only an application in which the petitioners requested the 1st respondent to allow them to deepen the prawn tanks. Though it is stated that the petitioners made separate applications to the 1st respondent seeking permission in terms of the directions of this Court in MADIREDDY PADMA RAMBABU v. DISTRICT FOREST OFFICER, KAKINADA[1], nothing has been placed before this Court to show that such applications are received by the office of the 1st respondent.

At any rate, in the light of the observations made by the Supreme Court in S. JAGANNATH v. UNION OF INDIA[2] as well as the Division Bench of this Court in MADIREDDY PADMA RAMBABU'S case (1 supra), if any such applications are made by the petitioners, the 1st respondent is bound to consider the same.

Accordingly, without expressing any opinion as to the entitlement of the petitioners for the permission as sought by them, the Writ Petition is disposed of with a direction to the 1st respondent to consider the applications of the petitioners dated 12-7-2006 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 1-12-2006

gbs

Note:- Cc in one week.

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[1] 2002 (1) ALD 728 (DB)

[2] AIR 1997 SC 811